

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LIONEL RICHARDSON,

Petitioner,

-v-

9:11-CV-0448
(DNH)

DARWIN LaCLAIR, Superintendent,

Respondent.

APPEARANCES:

OF COUNSEL:

LIONEL RICHARDSON
Petitioner, pro se
03-A-5732
Franklin Correctional Facility
P.O. Box 10
Malone, NY 12953

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Ass't Attorneys General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Currently pending is petitioner Lionel Richardson's January 26, 2012, request to dismiss this action without prejudice to enable him to fully exhaust all claims he may subsequently bring in a future federal habeas corpus action pursuant to 28 U.S.C. § 2254. See Dkt. No. 20. In that application, Richardson has also requested that the

Clerk provide him with copies of exhibits he previously filed in this action. Id.¹

Petitioner's requests will be granted and this action will be dismissed without prejudice. Petitioner is advised to promptly file a new § 2254 petition in this District after he has fully exhausted all claims he may wish to assert in a future habeas petition.²

Therefore it is

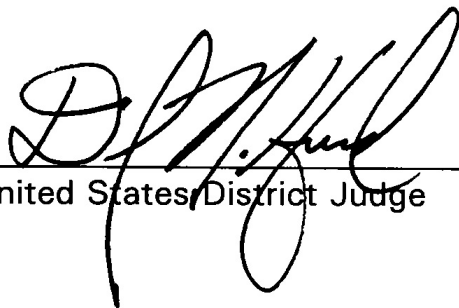
ORDERED, that

1. Petitioner's motion to dismiss this action without prejudice, Dkt. No. 20, is GRANTED;

2. The Clerk provide petitioner with copies of the exhibits he attached to his motion to amend, Dkt. No. 11, as well as to his amended petition, Dkt. No. 13; and

3. The Clerk serve a copy of this Order on the parties to this action in accordance with this District's Local Rules.

IT IS SO ORDERED.



United States District Judge

Dated: February 3, 2012
Utica, New York.

¹ Richardson attached exhibits to the motion to amend he filed in this action, Dkt. No. 11, as well as the amended pleading he subsequently filed herein, Dkt. No. 13.

² Of course, any future federal habeas corpus action filed by Richardson would be subject to the statute of limitations applicable to such proceeding. See 28 U.S.C. § 2244(d).